



W.A(MD) No.1405 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.A.(MD) No.1405 of 2022
and
C.M.P(MD) No.11260 of 2022**

Scheme Trust Board of Periya Pallivasal
Rep. by its President,
West Street,
Pandaravadai,
Thanjavur.
Mr.M.Mohammed Safarullah

... Petitioner

-VS-

- 1.Abdul Malik
- 2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 1.
- 3.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
Thanjavur Waqf Zone,
No.27, Neethi Nagar,
Divan Street, Court Road,
Thanjavur.



W.A(MD) No.1405 of 2022

4.The District Collector,
Colelctorate,
Thanjavur.

5.The Superintendent of Police,
District Police Office,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER: Writ Appeal filed under Section IX of Letters Patent against the order dated 19.09.2022 made in W.P.(MD)No.15874 of 2020.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.N.Ga.Nataraj,
Government Advocate for R4

Mr.T.Senthilkumar,
Addl. Public Prosecutor for R5

JUDGMENT

(Judgment of the Court was delivered by R.MAHADEVAN, J.)

Challenging the order passed by this Court dated 19.09.2022, made in W.P.(MD)No.15874 of 2020, the appellant has come forward with this writ appeal.



W.A(MD) No.1405 of 2022

2. It is the case of the appellant that the 1st respondent / writ petitioner has filed a writ petition praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 therein, to order for enquiry with regard to financial and other irregularities in the appellant / Pallivasal and consequently, directing the respondents to take appropriate action against the appellant, based on such enquiry report, on the basis of the representation of the 1st respondent / writ petitioner dated 20.03.2020. After hearing the parties, the Writ Court by an order dated 19.09.2022, has disposed of the writ petition with a direction to the 2nd respondent herein to consider and pass orders on the representation of the 1st respondent / writ petitioner dated 20.03.2020, in accordance with law, within a period of 12 weeks from the date of receipt of a copy of that order. As against the said order, the appellant / fifth respondent in the writ petition has filed this Writ Appeal.

3. The learned counsel appearing for the appellant submitted that the 1st respondent / writ petitioner is not a Member of the Scheme Trust Board of Periya Pallivasal, Thanjavur and hence, he is not entitled to file a writ petition before this Court claiming that he is a Member of the said Scheme Trust Board and without considering the same, the learned single



W.A(MD) No.1405 of 2022

Judge has passed the impugned order and therefore, the same is liable to be set aside.

4. Heard the learned Government Advocate appearing for the fourth respondent and the learned Additional Public Prosecutor appearing for the fifth respondent and perused the available material on record.

5. We are not inclined to interfere with the order of the writ Court, since the writ Court disposed of the writ petition with a direction to the second respondent herein to dispose of the representation of the 1st respondent / writ petitioner dated 20.03.2020, after issuing notice to all the interested parties. When such liberty is granted, the same can be invoked by the appellant by producing all the relevant materials before the second respondent for consideration, but without doing the same, he has filed this Writ Appeal. It is for the appellant to avail the liberty granted by the writ Court and seek redressal of his grievance before the second respondent.



W.A(MD) No.1405 of 2022

6. With the above observation, this Writ Appeal stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
23.11.2022

vsm

Index : Yes / No

Internet : Yes / No

To

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W.A(MD) No.1405 of 2022

R.MAHADEVAN, J.
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W.A.(MD) No.1405 of 2022

23.11.2022